

Dv

RUTHERFORD & CHRISTIE, LLP

NEW YORK

ATLANTA

May 18, 2007

VIA FACSIMILE (718) 613-2535 and ECF

Magistrate Judge Joan M. Azrack
United States District Court
Eastern District of New York
225 Cadman Plaza East, Room 1210S
Brooklyn, New York 11201

FILED
IN CLERKS OFFICE
U.S. DISTRICT COURT E.D. N.Y.
★ MAY 21 2007 ★
P.M. _____
TIME A.M. _____

Re: *Jennings v American Airlines, Inc.*
U.S.D.C., Eastern District of New York
Docket No. : 06 CV 6183 (DLI)(JMA)
Our File : 3748.283

Dear Judge Azrack:

We represent the defendants in this matter. As your Honor will recall, a telephone conference was held on May 8, 2007 wherein your Honor ordered the plaintiffs to provide responses to the defendants' discovery demands and a stipulation of discontinuance which would discontinue the action against Mssrs. Arpey and Moses. The aforementioned was to be received by May 15, 2007, or your Honor would recommend that the plaintiffs' complaint be dismissed for failure to prosecute. This correspondence will confirm, that as of today, the plaintiffs have failed to provide any of the aforementioned discovery responses or the stipulation of discontinuance. Accordingly, it is respectfully requested, that your Honor issue an Order recommending that the plaintiffs' complaint be dismissed in its entirety due to the plaintiffs' willful disregard for this Honorable Court's directives.

Thank you for your consideration of this matter.

Respectfully Submitted,

RUTHERFORD & CHRISTIE, LLP



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Plaintiff's counsel has failed to comply with my discovery orders of 9/10/07 and 5/8/07. As I previously indicated if my 5/8/07 order was not complied with by 5/15/07 I would recommend dismissal of the complaint for pl. c. failure to provide discovery. As such, I recommend to the District Court that pl. complaint be dismissed for repeated failures to comply with the Court's discovery orders.

/s/ Joan M. Azrack

vmj

5/21/07

RUTHERFORD & CHRISTIE, LLP